

of Hurley, Mo. It has been tried and proven by years of use," constituted a device regarding the therapeutic and curative effectiveness of the article as a remedy for diseases of the kidney and the bladder, elimination of the poisons from the system, puffing under the eyes, pains across the back, getting up at nights, and all conditions caused from sluggish kidneys, having attained such meaning as a result of false and fraudulent statements appearing in a certain circular, entitled "A True and Interesting Story, etc.," which was furnished with the drugs to the consignee. It was alleged to be misbranded further in that its label stated that it contained 15 percent of alcohol, whereas it contained materially less alcohol.

Prescription No. 38 was alleged to be misbranded in that the designation "Omar Palmer's Famous Prescription No. 38" and the statement on the label, "This is a standard prescription as used and recommended by Omar Palmer of Hurley, Missouri. It has been tried and proven by years of use," constituted a device regarding the therapeutic and curative effectiveness of the article as a remedy for run-down condition, loss of appetite, sleepless nights, and nervousness, having attained such meaning as a result of false and fraudulent statements appearing in the aforesaid circular. It was alleged to be misbranded further in that its labels stated that it contained 15 percent of alcohol, whereas it contained materially less alcohol.

Prescription No. 61 was alleged to be misbranded in that the following statements on the label falsely and fraudulently represented its curative and therapeutic effectiveness: "For many forms of rheumatism. Directions: One teaspoonful in water before meals." It was alleged to be misbranded further in that its label stated that it contained 15 percent of alcohol, whereas it contained materially less alcohol. It was alleged to be misbranded further in that the statement on the label, "Contains infusion of phytalacca," was false and misleading when applied to an article containing in addition to extract of phytolacca, sodium salicylate, no mention of which was made on the label.

Prescription No. 94 was alleged to be misbranded in that the following statement on the label falsely and fraudulently represented its therapeutic and curative effectiveness: "For many forms of asthma." It was alleged to be misbranded further in that the statement on the label, "contains potassium arsenite," was false and misleading when applied to an article containing in addition to potassium arsenite, extracts of plant drugs, including an alkaloid-containing drug such as lobelia.

Prescription No. 76 was alleged to be misbranded in that the designation, "Omar Palmer's Famous Prescription No. 76" and the statement on the label, "This is a standard prescription as used and recommended by Omar Palmer of Hurley, Mo. It has been tried and proven by years of use," constituted a device regarding the therapeutic and curative effectiveness of the article as a remedy for coughs and colds, including stubborn coughs and colds and bronchial irritations, having attained such meaning as a result of false and fraudulent statements appearing in the aforesaid circular.

The Prescription Pile Ointment was alleged to be misbranded in that the designation "Prescription Pile Ointment" and the statement on the label, "This is a standard prescription as used and recommended by Omar Palmer of Hurley, Mo. It has been tried and proven by years of use," constituted a device which falsely and fraudulently represented the curative and therapeutic effectiveness of the article.

On January 24, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28701. Misbranding of mentholated kerchiefs. U. S. v. 3 Gross of Mentholated Kerchiefs. Default decree of condemnation and destruction. (F. & D. No. 41819. Sample No. 9638-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 23, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 gross of mentholated kerchiefs at Lancaster, Pa., alleging that the article had been shipped in interstate commerce on or about January 29, 1938, by the Sterilek Co., Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tissue paper impregnated with menthol.

It was alleged to be misbranded in that the following statements borne on the wrapper, regarding its curative or therapeutic effects, were false and fraudulent: "For any nasal irritations Mentholated LaPuris Kerchiefs are ideal. * * * For * * * Hay Fever. Rose Fever. Sinus. Soothes Nasal Irritation or * * * Inflamed * * * Skin, Use as Protection When in Crowds, * * * These Mentholated Kerchiefs are especially recommended for use in case of:—Rose Fever, Hay Fever."

On March 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28702. Misbranding of milk of magnesia. U. S. v. 276 Bottles of Milk of Magnesia. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 41841. Sample No. 10009-D.)

This product was short of the declared volume.

On March 1, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 276 bottles of milk of magnesia at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 1, 1938, by the Certified Pharmaceutical Co. from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "8 Fluid Ounces," was false and misleading when applied to an article the volume of contents of which was less than 8 fluid ounces.

On March 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

28703. Misbranding of C. F. Emmett's Remedy for Colic. U. S. v. 90 Bottles of C. F. Emmett's Remedy. Default decree of condemnation. Product destroyed. (F. & D. No. 40905. Sample No. 61157-C.)

The labeling of this veterinary product bore false and fraudulent representations regarding its curative or therapeutic effects.

On November 26, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bottles of C. F. Emmett's Remedy for Colic at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about April 8 and August 27, 1937, by I. L. Lyons & Co., Ltd., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of an extract of plant drugs, including nux vomica and colocynth in a dilution of alcohol.

The article was alleged to be misbranded in that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle and carton) "Remedy * * * For Colic in Horses and Mules"; (bottle only) "Dose—Give animal a teaspoonful on a tablespoonful of sugar and place upon the tongue, or a teaspoonful in a wine glass of water and inject into the mouth. Repeat every ten minutes until relieved, not exceeding 5 doses. In case the animal is swollen any length of time, give one pint raw Linseed Oil, one ounce Spirits Turpentine, and one teaspoonful Emmett's Remedy—all mixed together. Give as a drench and repeat in one hour. In any mild case of colic, give 15 or 20 drops on the tongue every 15 minutes until relieved, not exceeding 8 doses."

On March 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in the manner provided for by law. It was destroyed by the United States marshal.

W. R. GREGG, *Acting Secretary of Agriculture.*

28704. Misbranding of boric acid. U. S. v. Zenith Drug, Inc. Plea of guilty. Fine, \$20. (F. & D. No. 38630. Sample Nos. 8644-C, 8784-C.)

This product was short of the declared weight.

On August 2, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Zenith Drug, Inc., New York, N. Y., alleg-